IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO.2203 OF 2004

Sine-Fine Advertising Pvt. Ltd. ...Petitioner.
Vs.
Municipal Corporation for Greater Mumbai & Anr. ...Respondents.
....
Mr. K. R. Bulchandani with Mr. P.R. Salvi for the Petitioner.
Mr.K. K. Singhvi, Senior Advocate with Mrs. Meena Doshi & Mrs. V. K. Khatu for the Respondents.
.....

CORAM : A.P. SHAH AND
DR.D.Y.CHANDRACHUD, JJ.

July 21, 2005.

ORAL ORDER (PER DR.D. Y. CHANDRACHUD, J.):

The Mumbai Heritage Conservation Committee has, in its report dated 9th August 2003, come to the conclusion that the hoarding of the Petitioner, admeasuring 20' x 20', which is situated at Oval Maidan is liable to be removed. The Oval precinct is a listed heritage precinct in Entry 633 of the notification issued by the State Government in pursuance of the provisions of Development Control Regulation 67. The other hoardings in Oval Maidan have been removed in pursuance of the report of the Committee which was considered by this Court in its judgment and order dated 5th May 2004. The Supreme Court in its order dated 20th May 2004

did not grant any stay in respect of the removal of hoardings in listed heritage buildings and listed heritage precincts. The position of the hoarding of the Petitioner has been verified by an Expert Committee appointed by this Court as well as by the statutorily constituted Mumbai Heritage Conservation Committee. The Committee, in pursuance of the directions of this Court, has given ample opportunity to hoarding owners and advertisers to urge their submissions. The Petitioners have no vested right in the continuance of the hoarding or the structure on which it is mounted. Public interest in the preservation of the environment must prevail, particularly since Development Control Regulation 67 embodies a recognition of the need for urban conservation. We do not find any reason to interfere in the exercise of our jurisdiction under Article 226 of the Constitution. The petition, in the circumstances, is dismissed. However, in order to enable the Petitioner to avail of its remedies against this judgment and order, there shall be a direction that the hoarding forming the subject matter of this petition, shall not be liable to be removed until 15th October 2005.